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DEC 08 2004

PATENT APPLICATION

Docket: 15436.437.3

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

James A. Cox, et al.

Serial No.:

10/028,437

Filed:

December 28, 2001

For:

VERTICAL CAVITY SURFACE EMITTING  
LASER HAVING A GAIN GUIDE  
APERTURE INTERIOR TO AN OXIDE  
CONFINEMENT LAYER

Confirmation No.:

4433

Customer No.:

022913

Examiner:

Hung T. Vy

PETITION FOR EXTENSION OF TIME

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.136(a), it is respectfully requested that the shortened statutory period which was set for responding to the Office Action dated June 8, 2004 be extended for three (3) months until December 8, 2004.

PTO-2038 Credit Card Payment Form in the amount of \$1020.00 is enclosed herewith for payment of the fee associated with this Petition, as set forth in 37 C.F.R. § 1.17. The Commissioner

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is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Petition to Deposit Account No. 23-3178. A duplicate copy of this sheet is enclosed.

If an additional extension of time is required, please consider this a petition therefore and charge any additional fees which may be required to Deposit Account No. 23-3178.

Dated December 8, 2004.

Respectfully submitted,



ERIC L. MASCHOFF  
Attorney for Applicant  
Registration No. 36,596  
Customer No. 022913

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